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FILED
DISTRICT COURT OF GUAM

MAY - 8 2006

MARY L.M. MORAN
CLERK OF COURT

UNITED STATES DISTRICT COURT

DISTRICT OF GUAM

UNITED STATES OF AMERICA)	Magistrate Case No. 05-00045
)	
Plaintiff,)	
)	
vs.)	
)	OPPOSITION TO MOTION FOR
JUSTIN KEITH GUERRERO, and)	RECONSIDERATION OF ORDER Re:
RENEA DORLEEN CRUZ-TAITANO,)	MOTIONS TO SUPPRESS
)	
Defendants.)	

COMES NOW Defendant JUSTIN KEITH GUERRERO through his court appointed counsel, VAN DE VELD SHIMIZU CANTO & FISHER, Curtis C. Van de veld, Esq., to oppose the motion of the government for reconsideration of the court's decision on the motions to suppress in this matter for the reasons that the motion raises no new law or fact to the court for consideration, and fails to identify any error in the court's analysis of the law and evidence in this matter. Defendant JUSTIN KEITH GUERRERO further asserts that the court's decision is well reasoned in applying the facts as the court determined those facts to be to the law applicable to this case. The government fails to address the facts that show the government continued to hold the Defendant and Ms. Taitano following there initial stop for

UNITED STATES OF AMERICA, Plaintiff v. JUSTIN KEITH GUERRERO and RENEA DORLEEN CRUZ
TAITANO, Defendants
OPPOSITION TO MOTION FOR RECONSIDERATION OF ORDER Re: MOTIONS TO SUPPRESS

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1 an extended period of time during which no activity took place. During a considerable period
2 of detention, the police did nothing to determine whether the reason for the initial stop was
3 justified, they simply continued the defendants in detention. After detaining the defendants for
4 that considerable period of time, the police again demanded permission to frisk the
5 defendants. In United States v. Sharpe, 470 U.S. 675, 105 S.Ct. 1568, 84 L.Ed.2d 605 (1985),
6 police acted continuously, diligently, and promptly to verify their suspicions that led to the
7 initial stop of the suspect. Here, police simply confined and detained the defendants for
8 twenty minutes, under a false assertion that police so acted for the protection of the
9 defendants. This was not true, and the detention of the defendants was not for the purpose of
10 diligently verifying the suspicions of the police. In this regard, Defendant reasserts all the
11 arguments previously made at the close of the hearing by this reference. Moreover, the
12 government wholly failed to prove that the search of the contents of the purse belonging to
13 defendant Cruz-Taitano, and the pouch therein contained was proper without a warrant.
14 Officer Tayama said that she could clearly see the top bulb end of the 'ice' pipe when shown
15 by defendant Cruz-Taitano, and that it was clear. Further, Officer Tayama testified that
16 possession of a glass object, even when shaped for use as an 'ice' pipe was not illegal unless it
17 contained residue of 'ice,' which this pipe did not. There was no basis for further searching
18 the internal kept sunglasses' bag of defendant Cruz-Taitano's purse and the government still
19 fails to assert a basis in evidence or law to support that warrantless search. To avoid
20 considerable redundancy, Defendant relies on the lengthy arguments previously made at the
21 close of hearings on this issue.

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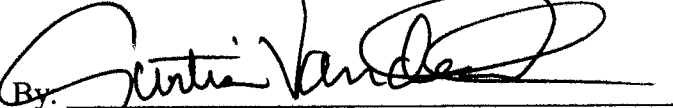
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1 CONCLUSION

2 The government has failed to demonstrate any error in factual determination, any error
3 in legal analysis, new law or other appropriate reason for reconsideration. The court ruled
4 correctly on this matter and should deny the motion. Further, the court should rule on the
5 issues relating to the illegal search of the purse and the content pouch therein by police and
6 find that the searches thus made were illegal and that the government has failed to meet its
7 burden of proof.

8
9 DATED: this Monday, May 08, 2006.

10 VAN DE VELD SHIMIZU CANTO & FISHER

11 By: 

12 Mr. Curtis C. Van de veld, Esq.
13 Attorney for Defendant
14 JUSTIN KEITH GUERRERO

CERTIFICATE OF SERVICE

I, CURTIS C. VAN DE VELD, certify that I caused a copy of the foregoing document here filed, to be served on counsel for Plaintiff UNITED STATES OF AMERICA on Monday, May 08, 2006, via hand delivery at the following address:

Ms. Marivic P. David
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DATED: this Monday, May 08, 2006.

VAN DE VELD SHIMIZU CANTO & FISHER

By: 

Mr. Curtis C. Van de veld, Esq.
Attorney for Defendant
JUSTIN KEITH GUERRERO

CCV:ccv
VSCF/J.K. GUERRERO/CR000610

UNITED STATES OF AMERICA, Plaintiff v. JUSTIN KEITH GUERRERO and RENEA DORLEEN CRUZ
TAITANO, Defendants
OPPOSITION TO MOTION FOR RECONSIDERATION OF ORDER Re: MOTIONS TO SUPPRESS
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